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FILED

September 14, 2005

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
OAL DKT NO. BDSME 12201-2004N

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

PAUL S. SENDER, M.D.
License No. MA 44742

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Medical Examiners ("Board") upon the filing of an Order to Show Cause and Verified Complaint on June 30, 2004, with a return date scheduled for July 14, 2004, seeking the temporary suspension of the medical license of Respondent, Paul S. Sender, M.D. The Verified Complaint alleged that Respondent engaged in repeated acts of gross negligence and/or simple negligence in his treatment of seven (7) patients and that his continued practice of medicine constituted a clear and imminent danger to the public. Respondent and the Board entered into an

CERTIFIED TRUE COPY

Interim Consent Order, dated July 9, 2004, adjourning the return date of the Order to Show Cause until the August 11, 2004 Board meeting or until another agreed upon date. During that time period, Respondent voluntarily agreed to refrain from practicing medicine and surgery.

Respondent and the Board entered into a second Interim Consent Order, dated July 27, 2004, in which Respondent voluntarily agreed to temporarily surrender his license to practice medicine and surgery in New Jersey. Respondent was also granted leave to submit to an evaluation by a Board approved focused evaluation program and to undertake the successful completion of any follow-up remediation required by such evaluation program. The Interim Consent Order stated that once Respondent voluntarily and successfully completed any follow-up remediation required by the evaluation program, he would be permitted to petition the Board for the right to resume practice. However, the matter would, nonetheless, be forwarded to the Office of Administrative Law for a full plenary hearing on the merits of the seven (7) count Verified Complaint.

On or about August 30, 2004, Respondent's counsel at that time filed an Answer to the Verified Complaint, essentially denying all of the allegations set forth by the Attorney General.

On or about September 2, 2004, Respondent went to the Center for Personalized Education for Physicians ("CPEP") in Aurora,

Colorado, and participated in their Board approved focused evaluation program. Following his evaluation, CPEP issued a detailed report, dated October 28, 2004, which found numerous deficiencies in Respondent's clinical skills and medical knowledge. Additionally, following CPEP's neuropsychological screening test of Respondent, Respondent was found to have a delayed recall of newly learned verbal information. The CPEP evaluators determined that this condition might cause Respondent problems processing information that could affect his ability to practice medicine. Therefore, CPEP recommended that Respondent obtain a more comprehensive neuropsychological examination, to rule out any underlying medical or neurological diseases. The clinical evaluators at CPEP also stated that Respondent should first obtain the comprehensive neurological examination, prior to addressing any of his educational needs. Afterwards, if it was determined that Respondent had no conditions that would impact upon his ability to participate in an educational process, Respondent could be afforded the opportunity to address all of his areas of demonstrated need.

On or about October 26, 2004, Respondent, while still being represented by prior counsel, wrote a detailed letter to the Board, responding to each count of the Verified Complaint, and wished to utilize that letter as his supplemental Answer in this matter.

On or about January 27, 2005, Respondent was evaluated by Joel E. Morgan, Ph.D., a Board and CPEP approved clinical neuropsychologist. On or about February 13, 2005, Dr. Morgan issued a written report, detailing the results of his comprehensive neuropsychological evaluation of Respondent. Dr. Morgan found, among other things, that Respondent exhibited convergent evidence of dysfunction of the frontal executive systems of an unknown etiology, which was affecting Respondent's cognitive abilities. Therefore, Dr. Morgan recommended that Respondent obtain a more comprehensive neurological examination, specifically with neuroimaging.

On or about August 19, 2005, the Attorney General filed a Notice of Motion to Amend the Verified Complaint in this matter. This motion sought to add one additional count (Count VIII) to the Verified Complaint, alleging that Respondent is presently incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare, pursuant to N.J.S.A. 45:1-21(i). This motion was filed in response to Respondent's failure to provide proof to the Board as to whether he had obtained a more comprehensive neurological examination with neuroimaging from a Board and/or CPEP approved neurologist, and Respondent's failure to provide proof to the Board as to whether he had completed any of

the educational recommendations made by CPEP in its Final Assessment Report (or obtained prior Board approval before attempting to complete any of the educational recommendations made by CPEP in its Final Assessment Report). Without making any admissions concerning the allegations contained in Count VIII of the proposed Amended Verified Complaint, Respondent hereby consents to the amendment of the Verified Complaint at this time.

The full plenary hearing in this matter was scheduled to commence before the Honorable Edith Klinger, A.L.J., at the Office of Administrative Law on September 12, 2005. However, Respondent now being desirous of resolving the entire matter, without the necessity for a formal hearing, and the Board finding that the disposition of the matter, as set forth herein, is adequately protective of the public health, safety and welfare, and other good cause appearing:

IT IS, therefore, on this 14 day of September, 2005
ORDERED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey is hereby suspended for five (5) years, effective from the entry date of this Order. Said suspension shall first consist of a two (2) year active suspension, effective immediately upon entry of this Order, followed by a three (3) year stayed suspension, to be served as a term of probation. Any period

of time in which Respondent practices medicine in another state or jurisdiction shall not count towards the two (2) year active period of suspension.

2. Prior to any restoration of Respondent's medical license, he shall first appear before the Board, or a committee thereof, to affirmatively establish his fitness, competence and capacity to re-enter the active practice of medicine and surgery within New Jersey. At that time, Respondent shall be prepared to propose his plans for future practice in New Jersey. In addition, he is to provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare. The Board reserves the right to place limitations and/or restrictions on Respondent's practice, if and when his license is reinstated.

3. Additionally, prior to any restoration of Respondent's medical license, he is to first undertake and successfully complete any recommendations for reinstatement and/or follow-up remediation required by CPEP, as set forth in its Final Assessment Report, dated October 28, 2004, as well as any recommendations set forth by Dr. Morgan in his report, dated February 13, 2005, with further review of such recommendations, assessments and/or remediation by the Attorney General and either the Educational Director or the Medical Director of the Board. Any subsequent follow-up.

remediation or assessments required by CPEP, Dr. Morgan, the Attorney General or the Board will be at Respondent's complete expense.

4. Respondent hereby admits that his care and treatment of patients C.B. and N.T., as alleged in Counts I and VII of the Amended Verified Complaint, violates N.J.S.A. 45:1-21(c) and (d).

5. Respondent agrees to pay \$50,000.00 in total costs and civil penalties to the Board. This amount shall be memorialized in a Certificate of Debt duly recorded in the State of New Jersey, and shall be paid at the Court rule rate of interest (currently 1.0%) in monthly installments of \$1,084.44 for forty-eight (48) months, to be received by the Board by the fifteenth (15th) day of each month. These monthly payments will commence immediately upon Respondent's resumption of employment as a physician in any jurisdiction, or thirty-six (36) months from the entry date of this Order, whichever comes first. Respondent hereby agrees to notify the Board, in writing, within ten (10) days upon resumption of employment as a physician, in any jurisdiction. Payments shall be made by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Medical Examiners at P.O. Box 183, Trenton, New Jersey 08625-0183. Any failure to make payments under the terms of this Order shall accelerate the total debt to the Board and shall subject Respondent to any and all

remedies available to the Board under N.J.S.A. 45:1-21 and N.J.S.A. 45:1-22.

6. To the extent that he has not already done so, Respondent shall return his original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183, upon his receipt of a filed copy of this Order.

7. To the extent that he has not already done so, Respondent shall return his original CDS registration to the New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183, upon his receipt of a filed copy of this Order.

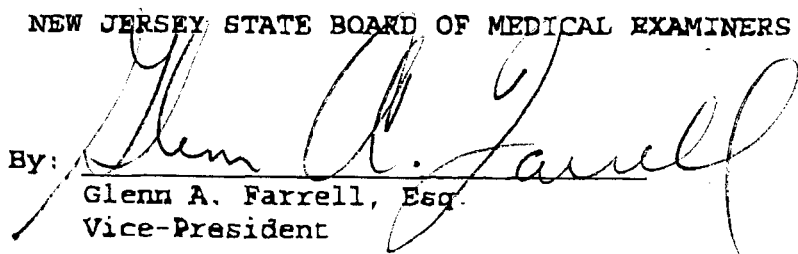
8. Respondent shall immediately advise the DEA of this Order.

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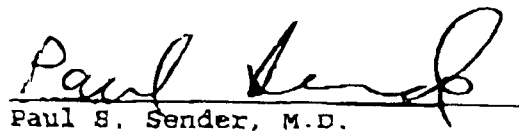
9. Respondent shall comply with the "Directives Applicable to Any Medical Board Licensee who is Suspended, Revoked, or whose Surrender of Licensure has been Accepted," which is attached hereto and made a part hereof.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

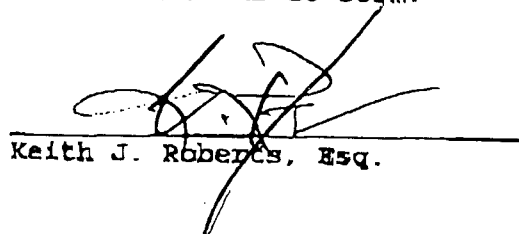
By:


Glenn A. Farrell, Esq.
Vice-President

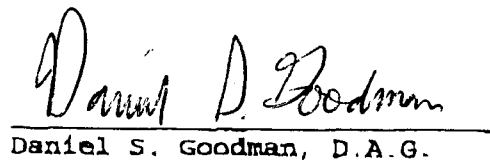
I have read and understood the within
Order and agree to be bound by its terms.
Consent is hereby given to the Board
to enter this Order.


Paul S. Sender, M.D.

Consented to as to form:


Keith J. Roberts, Esq.

Consented to as to form:


Daniel S. Goodman, D.A.G.